

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 51702
Juan G. Garza d/b/a Platinum Plumbing
RN107159139
Docket No. 2016-0035-SLG-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Absence of management practices designed to ensure compliance.

Media:

SLG

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

4553 Winchester Lane, Robstown, Nueces County

Type of Operation:

registered sludge transporter business

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	\$693.43 (PHS Account No. 0804800H – referred to collection)
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: October 7, 2016

Comments Received: None

Penalty Information

Total Penalty Assessed: \$41,986

Total Paid to General Revenue: \$1,176

Total Due to General Revenue: \$40,810

Payment Plan: 35 payments of \$1,166 each

Compliance History Classifications:

Person/CN – Unclassified

Site/RN – Unclassified

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Juan G. Garza d/b/a Platinum Plumbing

RN107159139

Docket No. 2016-0035-SLG-E

Investigation Information

Complaint Date(s): December 17, 2014
Complaint Information: Alleges a sludge transporter is forging trip tickets.
Date(s) of Investigation: December 19, 2014
Date(s) of NOV(s): N/A
Date(s) of NOE(s): February 20, 2015

Violation Information

Failed to properly and correctly maintain a record of each individual collection and deposit of sewage sludge [30 TEX. ADMIN. CODE §§ 312.145(a) and (b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Begin maintaining complete records of each individual collection and deposit in the form of trip tickets;
 - b. Update the Business's operational guidance and conduct employee training to ensure that all trip tickets are properly filled out, including disposal facility information
2. Within 45 days, submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. and 1.b.

Litigation Information

Date Petition(s) Filed: June 22, 2016; July 11, 2016
Date Answer Filed: N/A
Settlement Date: September 2, 2016

Contact Information

TCEQ Attorneys: Elizabeth Carroll Harkrider, Litigation Division, (512) 239-3400
Ryan Rutledge, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division, (512) 239-2547
TCEQ Regional Contact: Melanie Edwards, Corpus Christi Regional Office, (361) 825-3100
Respondent Contact: Juan G. Garza, 4542 Winchester Lane, Robstown, Texas 78380
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	18-Dec-2015	Screening	18-Dec-2015	EPA Due	
	PCW	16-Mar-2016				

RESPONDENT/FACILITY INFORMATION	
Respondent	Juan G. Garza dba Platinum Plumbing
Reg. Ent. Ref. No.	RN107159139
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	51702	Order Type	Findings
Docket No.	2016-0035-SLG-E	Government/Non-Profit	No
Media Program(s)	Water Quality	Enf. Coordinator	Alejandro Laje
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	0.0% Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

Culpability	Yes	25.0% Enhancement	Subtotal 4	\$6,250
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Notes: The Respondent meets the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$10,758
 Estimated Cost of Compliance: \$10,986
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$31,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	34.4%	Adjustment	\$10,736
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost associated with the violation.

Final Penalty Amount	\$41,986
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$41,986
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral due to culpability.

PAYABLE PENALTY	\$41,986
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Screening Date 18-Dec-2015

Docket No. 2016-0035-SLG-E

PCW

Respondent Juan G. Garza dba Platinum Plumbing

Policy Revision 4 (April 2014)

Case ID No. 51702

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107159139

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 18-Dec-2015

Docket No. 2016-0035-SLG-E

PCW

Respondent Juan G. Garza dba Platinum Plumbing

Policy Revision 4 (April 2014)

Case ID No. 51702

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107159139

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 312.145(a) and (b)

Violation Description Failed to properly and correctly maintain a record of each individual collection and deposit of sewage sludge. Specifically, Respondent provided trip tickets (the "trip tickets") indicating that septic tank waste was collected on July 11, 12, 15, 17, 19, and 31, 2014 and on August 1 and 4, 2014 and was disposed of at 101 Bar Ranch. However, 101 Bar Ranch documented that Respondent had not disposed of any waste at 101 Bar Ranch after July 7, 2014. Furthermore, the trip tickets did not include Respondent's correct TCEQ transporter registration number, the location of the facility where the waste was deposited, and the name of the facility on-site representative acknowledging receipt of the waste.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification (X), Major, Moderate, Minor, Percent (100.0%).

Matrix Notes Falsification of trip tickets.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 Number of violation days 24

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event), mark only one with an x.

Violation Base Penalty \$25,000

One monthly ticket is recommended, calculated from the date of the first inaccurate trip ticket (July 11, 2014) to the date of the last inaccurate trip ticket (August 4, 2014).

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer, Extraordinary, Ordinary, N/A (X, mark with x).

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10,758 Violation Final Penalty Total \$41,986

This violation Final Assessed Penalty (adjusted for limits) \$41,986

Economic Benefit Worksheet

Respondent Juan G. Garza dba Platinum Plumbing
Case ID No. 51702
Reg. Ent. Reference No. RN107159139
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	19-Dec-2014	28-Sep-2016	1.78	\$22	n/a	\$22
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to update operational procedures to ensure that: all required records are maintained and made available for review upon request, including accurate and complete trip tickets; and waste is disposed only at facilities authorized to accept septic tank waste. Date required is the initial investigation date and the final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$10,736	11-Jul-2014	4-Aug-2014	0.00	\$0	\$10,736	\$10,736

Notes for AVOIDED costs
 Estimated avoided cost of disposing septic tank waste (53,680 gallons X \$0.20) at an authorized facility. Date required is the date of the first trip ticket and the final date is the date of the last trip ticket.

Approx. Cost of Compliance	\$10,986	TOTAL	\$10,758
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The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN604541334, RN107159139, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN604541334, GARZA, JUAN G. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN107159139, PLATINUM PLUMBING **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 1 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 4553 WINCHESTER LANE, ROBSTOWN, NUECES COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s): SLUDGE REGISTRATION 24835

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: December 17, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 17, 2010 to December 17, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Alejandro Laje **Phone:** (512) 239-2547

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JUAN G. GARZA DBA
PLATINUM PLUMBING;
RN107159139**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2016-0035-SLG-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Juan G. Garza d/b/a Platinum Plumbing ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that he has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates a registered sludge transporter business located at 4553 Winchester Lane in Robstown, Nueces County, Texas (the "Business"). The Business involves the management and/or disposal of municipal solid waste, as defined in TEX. HEALTH & SAFETY CODE ch. 361. Respondent holds Sludge Transporter Registration No. 24835, issued by the TCEQ on March 21, 2014, which authorizes Respondent to collect and transport sewage sludge and similar waste. Therefore, Respondent is subject to TCEQ jurisdiction pursuant to 30 TEX. ADMIN. CODE ch. 312, Subchapter G.
2. During an investigation commenced on December 19, 2014, an investigator documented that Respondent failed to properly and correctly maintain a record of each individual collection and deposit of sewage sludge. Specifically, Respondent provided trip tickets (the "trip tickets") indicating that septic tank waste was collected on July 11, 12, 15, 17, 19, and 31, 2014 and on August 1

and 4, 2014 and was disposed of at 101 Bar Ranch. However, 101 Bar Ranch documented that Respondent had not disposed of any waste at 101 Bar Ranch after July 7, 2014. Furthermore, the trip tickets did not include Respondent's correct TCEQ transporter registration number, the location of the facility where the waste was deposited, and the name of the facility on-site representative acknowledging receipt of the waste.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to properly and correctly maintain a record of each individual collection and deposit of sewage sludge, in violation of 30 TEX. ADMIN. CODE §§ 312.145(a) and (b).
3. Pursuant to TEX. WATER CODE § 7.051, TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of forty-one thousand nine hundred eighty-six dollars (\$41,986.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondent paid one thousand one hundred seventy-six dollars (\$1,176.00) of the penalty. The remaining amount of forty thousand eight hundred ten dollars (\$40,810.00) shall be paid in thirty-five (35) monthly payments of one thousand one hundred sixty-six dollars (\$1,166.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments

shall be made payable to TCEQ and shall be sent with the notation "Re: Juan G. Garza d/b/a Platinum Plumbing, Docket No. 2016-0035-SLG-E" to:

Financial Administration Division
Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Begin maintaining complete records of each individual collection and deposit in the form of trip tickets, in accordance with 30 TEX. ADMIN. CODE § 312.145; and
 - ii. Update the Business's operational guidance and conduct employee training to ensure that all trip tickets are properly filled out, including disposal facility information, in accordance with 30 TEX. ADMIN. CODE § 312.145.
 - b. Within 45 days after the effective date of this Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a.i. and 2.a.ii. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

Order Compliance Team
Texas Commission on Environmental Quality
Enforcement Division, MC 149A
P.O. Box 13087
Austin, Texas 78711-3087

and:

Waste Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
NRC Building, Suite 1200
6300 Ocean Drive, Unit 5839
Corpus Christi, Texas 78412-5839

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Business operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format

("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date





For the Executive Director

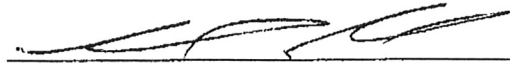
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - Juan G. Garza
4542 Winchester Lane
Robstown, Texas 78380



Date

If mailing address has changed, please check this box and provide the new address below:
